

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2065

Introduced by Assembly Member Harper
(Coauthor: Assembly Member Gallagher)

February 17, 2016

An act to amend Sections 2263 and 2265 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 2065, as amended, Harper. Voter registration: California New Motor Voter Program.

Existing law requires the Department of Motor Vehicles to issue driver’s licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver’s license or state identification card to submit satisfactory proof to the department that the applicant’s presence in the United States is authorized under federal law.

Existing law, the California New Motor Voter Program, requires the Department of Motor Vehicles to electronically provide to the Secretary of State the records of each person who is issued an original or renewal of a driver’s license or state identification card or who provides the department with a change of address, as specified. The person’s motor vehicle records will then constitute a completed affidavit of registration and the person will be registered to vote, unless the person affirmatively declines to become registered to vote during a transaction with the department, among other conditions.

This bill would require the Department of Motor Vehicles to electronically provide records of a person to the Secretary of State pursuant to this program only if the person has submitted proof that he or she is a citizen of the United States, as specified. This bill would also require that a person affirmatively agree to become registered to vote during a transaction with the department in order for his or her records to constitute a completed affidavit of registration and for the Secretary of State to register him or her to vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2263 of the Elections Code is amended
- 2 to read:
- 3 2263. (a) The Department of Motor Vehicles, in consultation
- 4 with the Secretary of State, shall establish a schedule and method
- 5 for the department to electronically provide to the Secretary of
- 6 State the records specified in this section.
- 7 (b) (1) The department shall provide to the Secretary of State,
- 8 in a manner and method to be determined by the department in
- 9 consultation with the Secretary of State, the following information
- 10 associated with each person who submits an application for a
- 11 driver's license or identification card pursuant to Section 12800,
- 12 12815, or 13000 of the Vehicle Code, or who notifies the
- 13 department of a change of address pursuant to Section 14600 of
- 14 the Vehicle Code, if the proof that the person is required to submit
- 15 to prove that his or her presence in the United States is authorized
- 16 under federal law also establishes that the person is a citizen of
- 17 the United States:
- 18 (A) Name.
- 19 (B) Date of birth.
- 20 (C) Either or both of the following, as contained in the
- 21 department's records:
- 22 (i) Residence address.
- 23 (ii) Mailing address.
- 24 (D) Digitized signature, as described in Section 12950.5 of the
- 25 Vehicle Code.
- 26 (E) Telephone number, if available.
- 27 (F) Email address, if available.

1 (G) Language preference.

2 (H) Political party preference.

3 (I) Whether the person chooses to become a permanent vote by
4 mail voter.

5 (J) Whether the person affirmatively agreed to become registered
6 to vote during a transaction with the department.

7 (K) A notation that the applicant has attested that he or she
8 meets all voter eligibility requirements, including United States
9 citizenship, specified in Section 2101.

10 (L) Other information specified in regulations implementing
11 this chapter.

12 (2) (A) The department may provide the records described in
13 paragraph (1) to the Secretary of State before the Secretary of State
14 certifies that all of the conditions set forth in subdivision (e) of
15 this section have been satisfied. Records provided pursuant to this
16 paragraph shall only be used for the purposes of outreach and
17 education to eligible voters conducted by the Secretary of State.

18 (B) The Secretary *of State* shall provide materials created for
19 ~~purposes of outreach and education~~ *educational purposes* as
20 described in this paragraph in languages other than English, as
21 required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
22 10503).

23 (c) The Secretary of State shall not sell, transfer, or allow any
24 third party access to the information acquired from the Department
25 of Motor Vehicles pursuant to this chapter without approval of the
26 department, except as permitted by this chapter and Section 2194.

27 (d) The department shall not electronically provide records of
28 a person who applies for or is issued a driver's license pursuant to
29 Section 12801.9 of the Vehicle Code because he or she is unable
30 to submit satisfactory proof that his or her presence in the United
31 States is authorized under federal law.

32 (e) The Department of Motor Vehicles shall commence
33 implementation of this section no later than one year after the
34 Secretary of State certifies all of the following:

35 (1) The ~~State~~ *state* has a statewide voter registration database
36 that complies with the requirements of the federal Help America
37 Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

38 (2) The Legislature has appropriated the funds necessary for
39 the Secretary of State and the Department of Motor Vehicles to
40 implement and maintain the California New Motor Voter Program.

1 (3) The regulations required by Section 2270 have been adopted.

2 (f) The Department of Motor Vehicles shall not electronically
3 provide records pursuant to this section that contain a home address
4 designated as confidential pursuant to Section 1808.2, 1808.4, or
5 1808.6 of the Vehicle Code.

6 SEC. 2. Section 2265 of the Elections Code is amended to read:

7 2265. (a) The records of a person designated in paragraph (1)
8 of subdivision (b) of Section 2263 shall constitute a completed
9 affidavit of registration and the Secretary of State shall register
10 the person to vote if all of the following conditions are satisfied:

11 (1) The person's records, as described in Section 2263, reflect
12 that he or she affirmatively agreed to become registered to vote
13 during a transaction with the Department of Motor Vehicles.

14 (2) The person's records, as described in Section 2263, reflect
15 that he or she has attested to meeting all voter eligibility
16 requirements specified in Section 2101.

17 (3) The Secretary of State has not determined that the person is
18 ineligible to vote.

19 (b) (1) If a person who is registered to vote pursuant to this
20 chapter does not provide a party preference, his or her party
21 preference shall be designated as "Unknown" and he or she shall
22 be treated as a "No Party Preference" voter.

23 (2) A person whose party preference is designated as
24 "Unknown" pursuant to this subdivision shall not be counted for
25 purposes of determining the total number of voters registered on
26 the specified day preceding an election, as required by subdivision
27 (b) of Section 5100 and subdivision (c) of Section 5151.